

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**December 25, 2006**

There were no minutes for this date.

**December 26, 2006**

**C051135      THE PEOPLE v. FREEMAN      (Not for Publication)**

The matter is remanded to the trial court to determine defendant's entitlement, if any, to actual days and conduct days for the time spent in SWIP. The judgment is otherwise affirmed.

BLEASE, Acting P.J.

We Concur:    Raye, J.  
                    Hull, J.

**C047617      ROBY v. McKESSON HBOC et al.  
C048799**

The judgment in case No. C047617 is vacated. The trial court is directed to enter a new judgment ... So, modified, the judgment is affirmed, with each party bearing its own costs on this appeal... **(Certified for Partial Publication.)**

BUTZ, J.

We Concur:    Nicholson, Acting P.J.  
                    Robie, J.

**C052021      In re ALEXIS D.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. RACHELLE D.      (Not for Publication)**

The appeal is dismissed as moot.

HULL, J.

I concur:        Robie, J.

... I respectfully dissent...

Sims, Acting P.J.

**C053780      SLAYTON v. THE SUPERIOR COURT OF SUTTER COUNTY and  
SLAYTON et al.      (CERTIFIED FOR PUBLICATION)**

Having complied with the procedural requirements for issuance of a peremptory writ...

... Let a peremptory writ of mandate issue... Petitioner shall recover her costs of this proceeding. (Cal. Rules of Court, rule 56 (m).)

SIMS, Acting P.J.

We Concur:    Hull, J.  
                    Robie, J.

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**The Minutes**

**December 27, 2006**

- C048699      THE PEOPLE v. INSIXIENGMAI      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We Concur: Raye, Acting P.J.  
Morrison, J.
- C049665      THE PEOPLE v. GARCES      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Nicholson, Acting P.J.  
Hull, J.
- C050610      THE PEOPLE v. HERRELL      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Morrison, J.
- C050949      THE PEOPLE v. VELASQUEZ      (Not for Publication)**  
The judgment (order revoking probation) is reversed.  
Butz, J.  
We Concur: Robie, Acting P.J.  
Cantil-Sakauye, J.
- C051403      THE PEOPLE v. GONZALEZ      (Not for Publication)**  
The judgment (order granting probation) is affirmed.  
ROBIE, J.  
We Concur: Nicholson, Acting P.J.  
Morrison, J.
- C051431      THE PEOPLE v. ZACKERY      (Certified for Partial Publication)**  
The judgment is modified...  
... The case is remanded to the superior court for consideration of whether to impose restitution fines... Following such consideration, the superior court shall prepare an amended abstract of judgment, reflecting the views set forth in this opinion, and shall forward a certified copy of the same to the Department of Corrections and Rehabilitation.  
SIMS, J.  
I concur: Scotland, P.J.  
I concur in parts I through V of the majority opinion. As to part VI, I agree the trial court judge's comment was a violation of Canon 1 of the California Code of Judicial Ethics.  
HULL, J.

**COURT OF APPEAL  
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**The Minutes**

**December 27, 2006, continued**

- C051648      THE PEOPLE v. COUNTEE      (Not for Publication)**  
The judgment of conviction is affirmed. Defendant's sentence is vacated and the matter is remanded for resentencing in accordance with the principles set forth herein.  
HULL, J.  
I concur:      Sims, Acting P.J.  
I concur:      Robie, J.
- C050437      HUGHES v. RICHARDSON      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur:      Scotland, P.J.  
                 Davis, J.
- C051505      BRENTLINGER v. GEWEKE AUTO AND R.V. GROUP      (Not for Publication)**  
The purported appeal from the "order[] supporting" the order awarding legal fees is dismissed pursuant to Geweke's motion. The order awarding legal fees is vacated. Geweke's motion for sanctions for a frivolous appeal is denied. Neither party shall recover costs of appeal.  
DAVIS, Acting P.J.  
We Concur:      Nicholson, J.  
                 Morrison, J.
- C052971      In re J.A. et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. JESSIE A.      (Not for Publication)**  
The judgment (order of the juvenile court) is affirmed.  
ROBIE, J.  
We Concur:      Scotland, P.J.  
                 Morrison, J.

**December 28, 2006**

- C050394      THE PEOPLE v. NOEL      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur:      Scotland, P.J.  
                 Morrison, J.

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**The Minutes**

**December 28, 2006, continued**

- C051055      THE PEOPLE v. FOOTE      (Not for Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Davis, J.  
Hull, J.
- C050644      DENNY et al. v. LATHAM et al.      (Not for Publication)**  
The order is affirmed. Plaintiffs are awarded their costs on appeal. (Cal. Rules of Court, rule 27(a).)  
RAYE, Acting P.J.  
We Concur: Robie, J.  
Cantil-Sakauye, J.
- C051360      JENNINGS v. STEGALL et al.      (Not for Publication)**  
The judgment is affirmed. The matter is remanded to the trial court for a determination of attorney fees to be awarded to the Stegalls. The Stegalls shall recover costs on appeal.  
RAYE, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.

**December 29, 2006**

- C045935      THE PEOPLE v. GONZALEZ et al.      (Certified for Partial Publication)**  
The trial court is directed to prepare a corrected abstract of judgment reflecting defendant Gonzalez's sentence of life with possibility of parole on the attempted murder conviction... The trial court is directed to forward certified copies of the corrected and amended abstracts of judgment to the Department of Corrections and Rehabilitation.  
MORRISON, J.  
I concur: Blease, Acting P.J.  
With regard to part II of the Discussion of the majority opinion and the opinion's disposition, I respectfully dissent...  
ROBIE, J.
- C050796      THE PEOPLE v. SHCHIRSKIY et al.      (Not for Publication)**  
The judgment as to Andrey Larshin is affirmed. As to Sergey Vinalyevic Shchirskiy, the abstract is judgment is modified... The trial court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The Shchirskiy judgment is otherwise affirmed.  
SIMS, Acting P.J.  
We Concur: Hull, J.  
Cantil-Sakauye, J.